

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

1. JOHN BROWN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. <u>CIV-20-74-G</u>
	)	(Formerly Oklahoma County
1. DYNAENERGETICS US, INC.,	)	Case No.: CJ-2020-50)
	)	
Defendant.	)	

**NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant, DynaEnergetics US, Inc., (referred to herein as “Defendant”), hereby removes this action from the District Court of Oklahoma County, Oklahoma, where it was filed as Cause No. CJ-2020-50, styled *John Brown v. DynaEnergetics US, Inc.*, to the United States District Court for the Western District of Oklahoma. As the grounds for removal, Defendant states as follows:

1. Plaintiff filed his Petition in this matter on January 3, 2020 in the District Court of Oklahoma County, Oklahoma, which is located within the Western District of Oklahoma.

2. Defendant was served with Summons and the Petition on January 6, 2020. A copy of Plaintiff’s Petition is attached hereto as Exhibit “1,” and a copy of the Summons is attached hereto as Exhibit “2.” A Copy of the state court docket sheet is attached hereto as Exhibit “3.”

3. This is a civil action over which this Court has original subject matter jurisdiction under the provisions of 28 U.S.C. § 1331. Plaintiff asserts a claim for alleged violation of the federal Fair Labor Standards Act, 29 U.S.C. §207. *See* Plaintiff's Petition, Count I. Plaintiff's claim arise under the laws of the United States and involves issues of federal question. Therefore, this court has jurisdiction under 28 U.S.C. § 1331 and this action may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441.

4. Plaintiff also brings a state law claim which arises out of the same transaction or occurrence as his federal claims, and is part of the same case or controversy pursuant to 28 U.S.C. § 1367(a). Specifically, Plaintiff claims that Defendant breached an alleged contract to promote him to a managerial position. *See* Plaintiff's Petition, Count II.

5. This Notice of Removal is timely because it is filed within thirty (30) days from the date Defendant received a copy of the Petition. See 28 U.S.C. § 1446(b).

6. As required by 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal is being filed this day with the Clerk of the District Court of Oklahoma County, Oklahoma.

7. In accordance with LCvR 81.2, Fed. R. Civ. P. 81 and 28 U.S.C. § 1446(a), copies of all process and pleadings previously served upon Defendant, including a copy of the state court docket sheet, are attached hereto as Exhibits "1" through "4".

8. There are no motions pending before the Oklahoma County District Court in this matter, nor are any hearings currently set.

WHEREFORE, Defendant removes this action to this Court pursuant to 28 U.S.C. §§ 1331, 1441 and 1446.

Respectfully submitted,

/s/ Nathan L. Whatley

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**ATTORNEY FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 27<sup>th</sup> day of January, 2020, a true and correct copy of the above and foregoing was mailed to:

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/s/ Nathan L. Whatley  
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